

Freedom of the Press

President Hugo Chávez died in March 2013 after 15 years in power, during which the government's contentious relationship with private, opposition-oriented media outlets led to sharp declines in press freedom and a vastly expanded government information apparatus. Under the new government of Nicolás Maduro, who was elected to succeed Chávez in April, patterns of excessive government involvement in the affairs of the private press grew worse. Maduro's administration hampered the opposition media by arbitrarily fining outlets, enforcing licensing requirements without respecting due process rights, and excluding certain outlets from access to public information. High-level government officials constantly demonized opposition-aligned outlets and exerted systematic pressure on the tone and content of reporting.

Article 57 of Venezuela's 1999 constitution guarantees freedom of expression and prohibits censorship of any kind. Reforms to the penal code in 2005 extended the scope of defamation as a criminal offense; when directed at the president it can result in a prison term of up to 30 months. The 2004 Law on Social Responsibility in Radio, Television, and Electronic Media (Resorte Law), amended in 2010, contains vaguely worded restrictions that can be used to severely limit freedom of expression. For example, the law bans content that could "incite or promote hatred," "foment citizens' anxiety or alter public order," "disrespect authorities," "encourage assassination," or "constitute war propaganda." The government is particularly sensitive about news reports on Venezuela's frequent shortages of consumer goods. In October 2013, the attorney general's office opened an investigation into the newspaper *Diario 2001* for its reporting on gasoline shortages.

Alleging that "democratic security" is at stake, the Venezuelan National Telecommunications Commission (CONATEL) has used the Resorte Law to impose heavy fines on private television and print media. Many private outlets have responded by softening their coverage of national and international news. In August 2013, two private newspapers with national circulation, *El Nacional* and *Tal Cual*, were fined 1 percent of their 2009 gross incomes for publishing photographs in 2010 that illustrated capacity problems at the Caracas morgue. The Resorte Law also obliges all broadcasters to air live official broadcasts (known as *cadena*s), which the government issues frequently, at random, and without regard for regular programming. In addition, the law requires private channels to broadcast the messages of public institutions, which often promote or support the national government's agenda. The state does not pay for these institutional publicity spots.

The judicial system remains highly politicized at all levels, and journalists and private media outlets cannot rely on impartial adjudication of their cases. In July 2013, a judge closed a case filed by journalists working for the Cadena Capriles newspaper chain who had been attacked at a rally in support of freedom of expression in 2009, despite abundant photographic and video evidence. Venezuela withdrew from the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights in September 2013, further limiting the opportunities for journalists to contest threats to press freedom.

Although Article 51 of the constitution guarantees the rights of citizens to access public information, in practice heavy restrictions are placed on freedom of information, and journalists are routinely rebuffed in their efforts to obtain official documents. The lack of information offered by the government regarding Chávez's health in the months prior to his death exemplified its propensity to withhold news of critical

national importance. The National Assembly has repeatedly delayed discussion of a 2012 draft bill regarding regulations for access to public information. In the meantime, five states—Carabobo, Lara, Nueva Esparta, Miranda, Anzoátegui, and Zulia—have passed such laws on their own.

CONATEL retains broad powers to suspend or revoke licenses at its discretion. Although theoretically an autonomous agency, it has mostly functioned as a part of the executive branch. A 2010 amendment to the Resorte Law permitted the body to monitor internet activity. During the April 2013 elections, state-operated telecommunications company CANTV suspended internet service for approximately 30 minutes. The website of the National Electoral Council (CNE) was also briefly shut down without explanation. In addition, the government has imposed the task of blocking certain internet content, such as websites that reveal the black-market rates for currency transactions, on privately operated internet service providers (ISPs).

Contrary to IACHR norms, the 1995 Law on the Exercise of Journalism requires journalists to have journalism degrees and to be members of the National College of Journalists. Those who practice without these credentials can face penalties of three to six months in prison.

Politicization of the press is an ongoing problem, although many previously opposition-aligned outlets have altered their editorial stances to avoid drawing the government's ire. Public media privilege activity by the president and cabinet members, and adopt a clearly progovernment editorial line in news stories and opinion shows. Meanwhile, pressure from the central government on private media, especially in the television market, fosters systematic self-censorship. The problem is echoed, though less acutely, in the print sector, where several newspapers remain harshly critical of the government. The nongovernmental media watchdog Press and Society Institute (IPYS) registered 74 incidents of prior or self-censorship in 2013, with cases of prior censorship alone increasing fivefold from 2012.

At the outset of the Maduro government, the private press enjoyed relatively open access to presidential events and press conferences, and some government figures were interviewed on private channels. Over the course of the year, however, access steadily deteriorated. State channels, particularly VTV, consolidated their role as the principal venues for statements by senior government officials. Due to a regulation that restricts journalists' access in the National Assembly to an official press room, coverage of legislative proceedings is limited to following a closed-circuit television feed. The problems with this arrangement were evident in the aftermath of a scuffle that broke out on the floor of the legislature in April, with widespread public mistrust of the official video released by the government-run National Assembly television station.

In addition to the presidential vote in April, Venezuela held nationwide elections for local officials in December. In both cases the government fully exploited its dominant press position in order to rally support for Maduro and progovernment municipal candidates. In the December campaigns, government pressure on private media resulted in very limited coverage of events headed by Henrique Capriles, the opposition presidential candidate in April and the lead campaigner for opposition mayors.

Venezuelans continued to have access to independent media programming that carried antigovernment opinions in 2013. However, the rapid growth of the government's communications apparatus, the Bolivarian Communications System (SIBCI); the discretionary and abusive use of cadenas; and government pressure on private media produced challenging conditions for freedom of expression, the free exercise of journalism, and access to public information.

Murders of journalists are relatively rare in Venezuela, and no journalists were killed as a result of their work in 2013. However, hostility toward the press increased, as documented by IPYS, which registered 285 episodes in which freedom of expression was violated in the country, including 219 incidents of attacks and aggression, many of them in the context of public protests or campaign events. In another type of violation, *Miami Herald* correspondent Jim Wyss was briefly detained in November while reporting on

smuggling between Venezuela and Colombia.

Although state-run outlets operate alongside a number of privately owned television and radio broadcasters, the overall balance has shifted considerably toward government-aligned voices in recent years. The government officially controls 10 television networks, 25 radio stations, a news agency, 3 newspapers, and a magazine. In addition, since 2002 CONATEL has broadened the platform of public and alternative community media outlets to include 244 radio stations, 36 television stations, and 120 community newspapers, which primarily carry government-produced content. In February 2013, CONATEL initiated the transition to digital broadcasting in urban areas. Although the decree announcing the switch promotes pluralism in the diffusion of ideas and emphasizes more efficient use of the broadcast spectrum, 8 of the 11 stations selected for digital transmission are state run. Only two private channels, Venevisión and Televen, were selected, and each focuses more on entertainment than on news programming. Globovisión, long the most vocal opposition-oriented station, was excluded from the transition.

The purchases of Globovisión in April 2013 and the Cadena Capriles newspaper conglomerate in June by private business interests linked to the government led to expectations that news coverage would be further tilted toward the authorities. Within months of the ownership changes, a number of prominent editors and reporters at each outlet resigned their positions, alleging editorial pressure. The dismissal of Omar Lugo, editor of the Cadena Capriles paper *El Mundo, Economía y Negocios*, after a report on Venezuela's declining foreign currency reserves was widely noted within the press sector. Media watchdogs were also concerned by the informal advisory role played at Cadena Capriles by a progovernment congresswoman and former SIBCI employee. The majority of Venezuela's leading newspapers are privately owned; they cover a wide range of topics, and many of their stories are picked up by radio and television outlets.

State advertising is rarely disseminated by critical private media. The government has increasingly exploited its complex currency-control regime to deny certain newspapers access to the dollars they need to purchase newsprint. In 2013, four regional papers stopped circulating because of irregular access to newsprint supplies. In this context, international media outlets, especially television broadcasts, have grown in importance as source for credible information.

In 2013, 55 percent of the Venezuelan population had access to the internet. However, the speed of connections is still very low compared with the rest of the region. The number of users of social-media sites such as Facebook and Twitter continues to grow rapidly, and Venezuelans are among the most active users of these sites in Latin America.

2014 Scores

Press Status

Not Free

Press Freedom Score

(0 = best, 100 = worst)

78

(0 = best, 30 = worst)

26

(0 = best, 40 = worst)

30

(0 = best, 30 = worst)

22